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15 AIRBNB, INC. and AIRBNB PAYMENTS, INC.

16 UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

19 LA PARK LA BREA A LLC, LA  
20 PARK LA BREA B LLC, LA PARK  
21 LA BREA C LLC, and AIMCO  
22 VENEZIA, LLC,

23 Plaintiffs,

24 v.

25 AIRBNB, INC. and AIRBNB  
26 PAYMENTS, INC.,

27 Defendants.

Case No.: 2:17-cv-04885

**NOTICE OF REMOVAL OF CIVIL  
ACTION**

(Los Angeles County Superior Court  
Case No. BC650575)

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that Defendants Airbnb, Inc. and Airbnb Payments,  
3 Inc. hereby remove the above-captioned matter, which was commenced as Case  
4 Number BC650575 in the Superior Court of the State of California for the County of  
5 Los Angeles, to the United States District Court for the Central District of  
6 California, Western Division, pursuant to the Class Action Fairness Act (“CAFA”),  
7 28 U.S.C. § 1332(d), and 28 U.S.C. §§ 1441 and 1446. In support of their Notice of  
8 Removal, Defendants state the following:

9 1. Defendants Airbnb, Inc. and Airbnb Payments, Inc. both are  
10 incorporated in Delaware with their principal places of business in California.

11 2. Plaintiffs first served Defendants with a summons and a copy of the  
12 initial complaint in this action on or about February 14, 2017. That complaint did  
13 not contain any class allegations, and was not removable under 28 U.S.C. § 1332(a).  
14 *See id.* § 1441(b)(2).

15 3. On June 6, 2017, Plaintiffs filed the First Amended Complaint (“FAC”)  
16 in this action. As stated in the FAC, Plaintiffs seek to represent a nationwide class  
17 of owners of multi-unit apartment complexes. Defendants received a copy of the  
18 FAC through service on June 6, 2017. This removal petition is therefore timely  
19 under 28 U.S.C. § 1446(b)(3).

20 4. Plaintiffs seek to represent a class consisting of “[a]ll owners of multi-  
21 unit apartment complexes located in the United States (1) at which Airbnb’s  
22 business records show that Airbnb rental activity was conducted for one or more  
23 apartments, (2) the host was not the owner of the apartment, and (3) Airbnb did not  
24 pay all or a portion of Airbnb’s commission to the real property owner for the  
25 Airbnb rental activity.” (FAC ¶ 68.)

26 5. Removal is proper under 28 U.S.C. § 1441(a) because this Court has  
27 original jurisdiction over this action under CAFA, 28 U.S.C. § 1332(d). Defendants  
28 dispute many of Plaintiffs’ allegations, including their class allegations, and dispute

1 whether a class in this case can or will be certified. Nonetheless, the allegations in  
2 the FAC make this case subject to removal to federal court under CAFA.

3 6. CAFA's diversity requirement is satisfied in this putative nationwide  
4 class action because one or more "member[s] of [the] class of plaintiffs is a citizen  
5 of a State different from any defendant." 28 U.S.C. § 1332(d)(2)(A). The proposed  
6 plaintiff class includes owners of multi-unit apartment complexes who are citizens  
7 of states other than California and Delaware, the only two states of which  
8 Defendants are citizens for purposes of federal diversity jurisdiction.

9 7. CAFA's amount-in-controversy requirement is satisfied because "the  
10 matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest  
11 and costs." 28 U.S.C. § 1332(d)(2). Among other forms of relief, Plaintiffs seek, on  
12 a class-wide basis, "restitution of the monies Airbnb has derived from short-term  
13 rentals of Plaintiffs' and Class Members' apartments" (FAC ¶ 95; *see also id.*  
14 ¶ 103), as well as damages for "the reasonable rental value of the units subject to the  
15 [alleged] illegal subletting, property damage, nuisance and disturbance, loss of  
16 rental income and other revenue, costs of providing additional security and  
17 monitoring for short-term rental activities, legal fees, and reputational damage to  
18 Plaintiffs' Properties" (FAC ¶¶ 122, 128.) Plaintiffs also seek injunctive relief  
19 prohibiting Defendants "from continuing" with certain business practices respecting  
20 apartments owned by Plaintiffs (FAC ¶ 96).

21 8. Defendants' business records and knowledge of relevant industry  
22 practices and valuations indicate that the value of the monetary relief sought by  
23 Plaintiffs, combined with the value of the injunctive relief sought by Plaintiffs,  
24 exceeds the sum or value of \$5,000,000, exclusive of interests and costs. *See, e.g.,*  
25 *Gonzales v. CarMax Auto Superstores, LLC*, 840 F.3d 644, 648–49 (9th Cir. 2016)  
26 ("[T]he amount in controversy ... includes, *inter alia*, damages (compensatory,  
27 punitive, or otherwise) and the cost of complying with an injunction, as well as  
28 attorneys' fees[.]"); *Anderson v. SeaWorld Parks & Ent'mt, Inc.*, 132 F. Supp. 3d

1 1156, 1164–65 (N.D. Cal. 2015) (finding \$5 million CAFA amount-in-controversy  
2 requirement satisfied “based on the value of the injunction” sought by plaintiffs).

3 9. Although not necessary for purposes of this Notice of Removal, the  
4 exceptions to CAFA removal set forth in 28 U.S.C. §§ 1332(d)(3)–(4) are not met in  
5 this putative nationwide class action because less than “one-third ... of the members  
6 of all proposed plaintiff classes ... are citizens of the State in which the action was  
7 originally filed.” 28 U.S.C. § 1332(d)(3); *see also id.* § 1332(d)(4).

8 10. Although not necessary for purposes of this Notice of Removal, the  
9 number of members of all proposed plaintiff classes in the aggregate is greater than  
10 100. *See* 28 U.S.C. § 1332(d)(5)(B).

11 11. Defendants reserve the right to amend this Notice of Removal to assert  
12 additional bases for federal jurisdiction. In addition, if Plaintiffs contest, or the  
13 Court questions, whether the allegations in this Notice of Removal suffice to invoke  
14 federal jurisdiction, Defendants reserve the right to submit evidence and argument to  
15 the Court establishing that the jurisdictional requirements are met. *See Dart*  
16 *Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 554 (2014).

17 12. Removal to this judicial district and division is proper because they  
18 “embrac[e]” Los Angeles County, the “place where [this] action is pending.” 28  
19 U.S.C. § 1441(a).

20 13. Defendants are informed and believe that no defendant other than the  
21 named defendants has been joined or served in this action.

22 14. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will  
23 be filed with the Clerk of the Superior Court of the State of California, County of  
24 Los Angeles, and will be served on all parties. This Notice of Removal is signed  
25 pursuant to Federal Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

26 15. The following Exhibits attached to this Notice of Removal are true and  
27 correct copies of the process, pleadings, and other papers that have been served on  
28 Defendants in this action:

1 Exhibit A: First Amended Complaint

2 Exhibit B: First Amended Summons

3 Exhibit C: Original Complaint

4 Exhibit D: Original Summons

5 Exhibit E: Proof of Service of Summons

6 Exhibit F: Original Civil Case Cover Sheet (State Court)

7 BASED ON THE FOREGOING, Defendant hereby removes this action, now  
8 pending in the Superior Court of the State of California for the County of Los  
9 Angeles, Case No. BC650575, to the United States District Court for the Central  
10 District of California, Western Division.

11  
12 DATED: July 3, 2017

MUNGER, TOLLES & OLSON LLP

13  
14 By: /s/ Jonathan H. Blavin

15 JONATHAN H. BLAVIN

16 Attorneys for Defendants AIRBNB, INC. and  
17 AIRBNB PAYMENTS, INC.  
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